

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3612 of 1997

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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BHUPATSINGH M MORI & 4 - Petitioner(s)
Versus
LAXMI ENGINEERING COMPANY - Respondent(s)

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Appearance :

MR SHAILESH C PARIKH for Petitioner No(s).: 1,2,3,4.
MS SUKHVINDER KAUR for MS SEJAL K MANDAVIA for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 15/06/2005

ORAL JUDGMENT

1. The petitioners have challenged the order dated 09/12/1996 passed by the Presiding Officer of the Labour Court, Surendranagar, whereby the Reference preferred by

the petitioners was rejected.

2. The petitioners were working with the respondent Company and their services were terminated with effect from 16.02.1989. Feeling aggrieved by the said order, the petitioners approached the Conciliation Officer. Ultimately, the dispute was referred for adjudication which was registered as Reference (LCS) No.1185 of 1989 before the Labour Court, Surendranagar. The Labour Court, Surendranagar, by order dated 09.06.1996 rejected the said Reference preferred by the petitioners. Hence, this petition.

3. Mr.S C Parikh learned advocate for the petitioners has contended that the Labour Court has erred in arriving at the conclusion that the petitioners had resigned from their services. Mr.Parikh has relied upon the evidence of the respondent employer itself wherein it is stated that an amount of Rs.1000.00 was paid to the petitioners towards salaries.

4. I have heard learned counsel for the parties and perused the documents placed on record. From the document placed at Annexure-B to the petition, it clearly transpires that the petitioners have voluntarily resigned from the services of the respondent Company, after receiving an amount of Rs.1000.00 towards all legal dues from the respondent. Hence, it is clearly established that the said amount of Rs.1000.00 was paid towards resignation and all other legal dues of the petitioners and not towards salaries, as contended by the learned advocate for the petitioners. Thus, the Labour Court was justified in rejecting the Reference preferred by the petitioners.

5. In above view of the matter, I find no reason to interfere in this petition and it deserves to be dismissed. The petition is, accordingly, dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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